

EXHIBIT 3

Varghese, George

From: Paulo Díez Gargari <pdiez@dgt.com.mx>
Sent: Tuesday, March 28, 2023 2:59 PM
To: Ismail.ramsay@usdoj.gov; Michelle.Lo@usdoj.gov; sapna.mehta@usdoj.gov
Cc: dmrpo@cand.uscourts.gov; google-legal-support@google.com; Varghese, George; legal@wordpress.com
Subject: Irregularities in Request for Judicial Assistance, Case No. 23-mc-80084-DMR
Attachments: SERVER-#14124-v1-
RE_Request_for_Judicial_Assistance_(Supreme_Tribunal_of_Justice_of_Mexico_City_in_the_matter_of_IFM_GIF_et_Al_v_Paulo_Jenaro_Díez_Gargari.pdf

EXTERNAL SENDER

Dear Mr. Ramsey,

Attached please find a letter containing certain observations, regarding the *Ex Parte* Application for Order Pursuant to 28 U.S.C. § 1782 to execute a Letter of Request from judicial authorities in Mexico City, Mexico (the "Petition"), filed before the United States District Court of the Northern District of California, which was assigned the case number 4:23-mc-80084-DMR.

In connection therewith, I would like to bring to your attention certain serious irregularities found in the Letters of Request that were provided to your office, and which gave rise to the filing of the Petition.

Given that the Petition derived from a proceeding to which I am a party, I undertook a preliminary analysis of the documents that have been filed in Case 4:23-mc-80084-DMR, from which certain irregularities became evident.

To say it plainly: the Petition was filed based on false information contained in the Letters of Request issued by Mexico City's 29th Civil Judge that were provided to your office. As I intend to demonstrate throughout the attached letter, the Letters of Request constitute an attempt by IFM Investors, IFM Global Infrastructure Fund (together, "IFM") and Mexico City's 29th Civil Judge to abuse the good faith of the authorities of the United States, in order to illegally benefit IFM.

The attached letter makes reference to the false information that was intentionally provided to your office, which, in my opinion, warrants further investigation.

In any case, it is my opinion that the information discussed in this document should be immediately brought to the attention of the United States District Court of the Northern District of California, and to the several parties that have been asked to provide certain information following the Petition. Finally, I believe that any actions intended to obtain information or documents based on the Petition should be immediately suspended, until the matters discussed in the attached letter have been appropriately investigated and clarified.

If necessary, I am willing to provide your office with any additional information which I might have in connection with this matter.

Best regards,

Paulo Díez Gargari



DGT Díez GARGARI, S.C.
ABOGADOS

Av. De las Fuentes N° 145
Col. Jardines del Pedregal
01900 México, D.F.
Tel. +52 (55) 56.81.81.12
Fax +52 (55) 55.95.36.55
pdiez@dgt.com.mx
www.dgt.com.mx

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Mexico City, March 28, 2023

Ismail J. Ramsey
United States Attorney
Northern District of California
Department of Justice
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
United States of America

Michelle Lo
Chief, Civil Division
Northern District of California
Department of Justice
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
United States of America

Sapna Mehta
Assistant United States Attorney
Northern District of California
Department of Justice
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
United States of America

RE: IRREGULARITIES IN REQUEST FOR
JUDICIAL ASSISTANCE, CASE NO.
23-mc-80084-DMR

I, Paulo Jenaro Díez Gargari, in my personal capacity, hereby make the following observations, regarding the *Ex Parte* Application for Order Pursuant to 28 U.S.C. § 1782 to execute a Letter of Request from judicial authorities in Mexico City, Mexico (the "Petition"), filed before the United States District Court of the Northern District of California, which was assigned the case number 4:23-mc-80084-DMR.

In connection therewith, I would like to bring to your attention certain serious irregularities found in the Letters of Request that were provided to your office, and which gave rise to the filing of the Petition.

From a search conducted through the PACER system, it came to my attention that the Petition had recently been filed in connection with a Mexican civil judicial proceeding to which I am a party, identified as case 288/2020 brought before Mexico City's 29th Civil Judge ("Case 288/2020"). For context, Case 288/2020 is a civil suit brought by IFM Investors Pty Ltd and IFM Global Infrastructure Fund (together, "IFM") against myself, through which IFM intends to silence me, and to keep me from publicly denouncing potential criminal activity carried out by IFM and several of its Mexican subsidiaries. It also intends to keep me from filing formal criminal and civil complaints relative to IFM's illegal activity in Mexico. In summary, Case 288/2020 is effectively what is known as a SLAPP (strategic lawsuit against public participation).

Given that the Petition derived from a proceeding to which I am a party, I undertook a preliminary analysis of the documents that have been filed in Case 4:23-mc-80084-DMR, from which certain irregularities became evident. To say it plainly: the Petition was filed based on **false** information contained in the Letters of Request issued by Mexico City's 29th Civil Judge that were provided to your office. As I intend to demonstrate throughout this letter, the Letters of Request constitute an attempt by IFM and Mexico City's 29th Civil Judge to abuse the good faith of the authorities of the United States, in order to illegally benefit IFM.

As you will no doubt realize, the Letters of Request are dated **November 21, 2022**, and are signed by José Luis de Givés Marín, in his capacity as Mexico City's 29th Civil Judge. The following image is provided for reference.

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Y PARA LO QUE POR MI MANDATO TENGA SU MÁX EXACTO Y FIEL CUMPLIMIENTO EN NOMBRE DE LA SOBERANÍA NACIONAL A USTED C. JUEZ, EXHORTO Y REQUIERO PARA QUE TAN PRONTO SEA EN SU PODER EL PRESENTE, SE SIRVA MANDARLO DILIGENCIAR EN SUS TÉRMINOS; SEGURO DE MI RECIPROCIDAD EN CASOS ANÁLOGOS. EN LA CIUDAD DE MÉXICO, A VEINTIUNO DE NOVIEMBRE DEL AÑO DOS MIL VEINTIDÓS. DOY FE.

EL C. JUEZ VIGÉSIMO NOVENO DE LO CIVIL PROCESO ESCRITO DE LA
CIUDAD DE MÉXICO.

JOSE LUIS DE GYVES MARIN,
MAESTRO EN DERECHO.

However, the Letters of Request contain a transcript of what they claim is a “court order”, also dated **November 21, 2022**, through which Mexico City’s 29th Civil Judge allegedly ordered the issuance of the Letters of Request. The alleged “court order”, however, **is not signed by** José Luis de Gyvés Marín, but by another person **also claiming to act in his capacity as Mexico City’s 29th Civil Judge**, called “José Arturo Ángel Olvera”. The following 2 images are provided for reference (the first one shows the date of the alleged “court order”, and the second one shows the name of the person who signed it).

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-----CARTA ROGATORIA INTERNACIONAL-----
 EL CIUDADANO LICENCIADO JOSÉ ARTURO ÁNGEL OLVERA, JUEZ VIGÉSIMO NOVENO DE LO CIVIL DE LA CIUDAD DE MÉXICO, A USTED C. JUEZ COMPETENTE EN EL ESTADO DE CALIFORNIA DE LOS ESTADOS UNIDOS DE AMÉRICA, TENGO EL HONOR DE DIRIGIRME. ---

-----HAGO SABER-----
 Que en los autos del juicio ORDINARIO CIVIL promovido por IFM GLOBAL INFRASTRUCTURE FUND Y OTROS en contra de PAULO JENARO DÍEZ GARGARI, con número de expediente 288/2020, Secretaría “B”, ante el Juzgado VIGÉSIMO NOVENO DE LO CIVIL DE LA CIUDAD DE MÉXICO, UBICADO EN AVENIDA NIÑOS HÉROES NO. 132, PISO 5, COLONIA DOCTORES, ALCALDÍA CUAUHTÉMOC, CÓDIGO POSTAL 06720, CIUDAD DE MÉXICO, se han dictado los autos que a continuación se transcriben:

---Ciudad de México, a veintiuno de noviembre de dos mil veintidós. --- A sus autos el

preparación y desahogo de la probanza en cuestión. NOTIFÍQUESE. Lo proveyó y firma el Ciudadano Licenciado **JOSÉ ARTURO ÁNGEL OLVERA**, Juez Vigésimo Noveno de lo Civil de Proceso Escrito por Ministerio de Ley, por ante su C. Secretaria de Acuerdos, Licenciada LUZ MARIANA GRANADOS GUTIÉRREZ, con quien actúa, autoriza y dan fe. DOY FE. -----

There is no doubt that two different persons cannot both be Mexico City’s 29th Civil Judge on the same date. Either **José Luis de Gyvés Marín** was Mexico City’s 29th Civil Judge on November 21, 2022, or José Arturo Ángel Olvera was; but they cannot both simultaneously be Mexico City’s 29th Civil Judge.

To make matters worse, IFM (who was responsible for the translated versions of the Letters of Request that were provided to your office) realized that the Letters of Request contained

the false information identified herein. Knowing that the ultimate recipient of the Letters of Request would be an English-speaking Court of the United States, IFM somehow arranged for the translator of the Letters of Request to perform a **false translation**, by saying that the alleged “court order” was signed by José Luis de Gyvés Marín, and not by **José Arturo Ángel Olvera**, as is clearly the case in the Spanish version. The following image is provided for reference.

BE NOTIFIED. Prepared and signed digitally by the Judge of the Twenty-Ninth Court on Civil Matters processed in writing in Mexico City, MASTER AT LAW José Luis de Gyves MARÍN, before Court Clerk “B” Luz Mariana Granados Gutiérrez, with who he acts and certifies. I CERTIFY.-----

It is imperative to add that the alleged “court order” dated November 21, 2022, **does not exist**. There is no such order included in the file of Case 288/2020. In fact, November 21, 2022 was an **official holiday** for Mexico City’s Supreme Justice Tribunal, in which no legally valid acts could be carried out by Mexico City’s Civil Judges.

It is my opinion that the false information contained in the Letters of Request that were provided to your office is an extremely serious matter, that warrants further investigation. In that regard, I will file the pertinent criminal and civil complaints relating to this matter before the competent Mexican authorities as soon as practicable. I will also seek advice from legal counsel in the United States, in order to explore every possible solution to the issues discussed in this letter, including those relative to possible violations to the Foreign Corrupt Practices Act (given the fact that IFM conducts business on a regular basis in the United States of America).

In any case, it is my opinion that the information discussed in this letter should be immediately brought to the attention of the United States District Court of the Northern District of California, and to the several parties that have been asked to provide certain information following the Petition. Finally, I believe that any actions intended to obtain information or documents based on the Petition should be immediately suspended, until the matters discussed in this letter have been appropriately investigated and clarified.

If necessary, I am willing to provide your office with any additional information which I might have in connection with this matter.

Sincerely

Paulo Jenaro Díez Gargari